



2-1
COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

PLANNING COMMISSION

Promoting the wise use of land
Helping build great communities

MEETING DATE June 22, 2006	CONTACT/PHONE Martha Neder, AICP 781-4576	APPLICANT Bill Freeman	FILE NO. DRC2005-00168
SUBJECT Request by Bill Freeman for a Conditional Use Permit to waive Land Use Ordinance standards that prohibit an outdoor used car lot within a central business district. The used car lot will result in the disturbance of approximately 9,375 square feet of an 18,125 square foot parcel. The proposed project is within the Commercial Retail land use category and is located at 1921 and 1941 Cienega Street, in the community of Oceano. The site is in the San Luis Bay planning area.			
RECOMMENDED ACTION Deny Conditional Use Permit DRC2005-00168 based on the findings listed in Exhibit A			
ENVIRONMENTAL DETERMINATION That this project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.			
LAND USE CATEGORY Commercial Retail	COMBINING DESIGNATION Central Business District, Airport Review, Flood Hazard	ASSESSOR PARCEL NUMBER 062-114-007 & 016	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: Oceano Specific Plan; Curb, Gutter, Sidewalk; Airport Review;			
EXISTING USES: Miscellaneous storage			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Multi-family / multi-family residences <i>East:</i> Commercial Retail / medical office <i>South:</i> Commercial Service / trailer sales <i>West:</i> Commercial Retail / restaurant			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: County Public Works, Oceano CSD, RWQCB, Cal Trans, Oceano/Halcyon Advisory Council, Airport Land Use Committee, Building Division			
TOPOGRAPHY: Level		VEGETATION: Grasses	
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community system Fire Protection: Oceano Community Services District		ACCEPTANCE DATE: Not accepted for processing	
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

2-7

PROJECT DESCRIPTION:

The proposed project is an outdoor used car lot within a central business district in the Commercial Retail land use category. The used car lot is proposed to be located between an existing restaurant to the west and a medical office and grocery store to the east. There are residential multi-family units across the alley to the north. Vehicle dealers and auto body shops are located across Cienega Street to the south in the Commercial Service land use category.

BACKGROUND:

Land Use Ordinance Section 22.30.110 contains standards for auto and vehicle dealerships.

22.30.110 A. Limitation on Use states *"In a central business district, vehicle dealerships are allowed provided all vehicles for sale are stored, displayed, and serviced entirely within a building."*

The applicant met with staff on several occasions prior to submitting the application and consistently explained that a used car lot within the central business district was not an allowable use. Staff informed the applicant that the department would not be able to support the project at this location because of the ordinance standard. Staff informed the applicant that the Planning Commission had the authority to waive or modify ordinance standards by means of a Conditional Use Permit application. The Planning Commission must find the following in order to modify the standard.

The standards of Chapter 22.30 may be waived or modified through Conditional Use Permit approval. Waiver of the modification of standards shall only be granted where the Planning Commission first makes findings that:

1. *Set forth the necessity for modification or waiver of standards by identifying the specific conditions of the site and/or vicinity which make the standard unnecessary or ineffective;*
2. *Identify the specific standards of Chapter 22.30 being waived or modified;*
3. *The project, including the proposed modifications to the standards of Chapter 22.30 will satisfy all mandatory findings required for Conditional Use Permit approval.*

The applicant then applied for a waiver to the limitation on use standard. Staff suggested that a request to modify this requirement would only be supported if the outdoor use area is clearly incidental (small) in comparison to the indoor activities and the design of the building and site layout is consistent with the purpose and character of central business districts and the requirements of the Oceano Specific Plan. The applicant submitted a revised landscaping plan, indicating that he felt the proposal meets county requirements as an outdoor car sales lot and requested an exception to the standard which requires an indoor auto dealership.

After reviewing the additional information submitted by the applicant, staff has determined that there are not specific conditions of the site and/or vicinity which make the standard unnecessary or ineffective and that the project, including the proposed modification, will not satisfy all mandatory findings required for Conditional Use Permit approval.

ISSUES OF CONCERN:

Orderly Development. The subject property is located within the Commercial Retail land use category, between areas within the Residential Multi-family and Commercial Service land use categories. The site provides a buffer area between the commercial service uses, predominantly automotive services, and residential multi-family development. Allowing a used car dealership similar to ones across the street effectively removes the buffer area and extends commercial service land uses so that they are between and adjacent to retail and residential uses. Ideally, there would be a larger transition area from the commercial retail central business district and the commercial service areas. However, because those areas are located so close together in this area, every effort needs to be made to prevent the commercial service areas from creeping into the commercial retail central business district. A hard edge should be maintained. Therefore, the proposed project does not provide for orderly development consistent with the surrounding area.

Central Business District. Framework for Planning describes the purpose and intended character of land use categories. The purpose of central business district areas are to provide centralized locations for stores, offices, and service establishments offering commodities and services scaled to meet neighborhood and community general shopping needs; provide areas for a concentration of business and public facilities to encourage pedestrian circulation; and allow community scale shopping centers if designed for pedestrian shopping.

The placement of buildings directly along a sidewalk is one of the key components of creating an area that encourages a pedestrian shopping experience. This arrangement generates large volumes of pedestrian traffic and interesting windows and storefront displays. An indoor auto dealership would provide the opportunity for the placement of a building near the sidewalk consistent with this characteristic.

Another key component of creating a pedestrian-scaled area is a mix of shopping and service establishments which also serve to encourage walking and window shopping and to provide merchandise likely to be purchased in a multiple-stop shopping trip where patrons "park once" and visit several establishments on foot. The outdoor used car lot is proposed to be located between a restaurant and medical office, breaking up the continuity of uses and preventing a concentration of business to encourage pedestrian circulation. Experts on creating successful downtown shopping areas emphasize the importance of a continuous line of stores, shops, eating places, and other similar retail activities.

Oceano Specific Plan. The Oceano Specific Plan, certified in April 2004, provides an overall framework and vision for translating community values and expectations into specific strategies for enhancing the community's quality of life. Oceano has two commercial retail areas: Downtown and Pier Avenue. The proposed project is located in the Downtown area. The Oceano Specific Plan identifies this areas lack of human scale and cohesiveness of a typical downtown as obstacles/barriers to success.

The Oceano Specific Plan contains a program for the future development of this area consistent with the Downtown Conceptual Plan (see Exhibit D: Downtown Conceptual Plan). The goal of the plan is to provide a pleasant environment for pedestrians, pedestrian areas that are active in the evening as well as during the day and a place that is welcoming to visitors and that emphasizes those features of the community that distinguish it from other places.

2-4

The specific plan also provides guidelines related to the orientation and design of buildings in the downtown area. The organization and orientation of buildings in this area are crucial in ensuring that streets are welcoming and friendly to pedestrians. Active shopping streets are vital to the success of this area. In general, the guidelines call for the placement of buildings on the front property line with lighting that compliments the overall site and building design and creates a sense of welcoming for the pedestrian. The design of all landscapes should be of professional quality and be a major component of any parking area. Expansive paved areas are to be avoided in favor of smaller multiple lots separated landscaping and buildings. Chain link fencing is not a preferred fencing material and screening between a commercial service and a residential use should be solid masonry. Signing should be carefully designed to enhance the unique quality of downtown.

The project proposes to remodel an existing old structure located approximately 70 feet from the front property line. The existing six-foot high chain link fence along the north, east, and west property lines would remain and there would be a six-foot high chain link fence separating the front and back half of the property. There are two access gates located on the northern property line, adjacent to the multi-family residences that access the property from the rear alley. Landscaping is proposed on the front property line and approximately 80 feet along the east and the west property lines. No landscaping is proposed in the interior of the site. Four parking stalls are proposed adjacent to the front building. A 50-foot by 30-foot area is shown as a proposed building within five years. However, no design information is given. No car display layout details are provided.

Based on the information provided, the project is not consistent with the Oceano Specific Plan and staff recommends that the Planning Commission deny the application for waiver of standards.

ADVISORY COUNCIL COMMENTS:

Oceano Advisory Council – The previous advisory council voted to support the project based on projections of fully paved (asphalt) lot, new building to be erected or the existing building completely remodeled, drainage plan, and curb, gutter, and sidewalk. The current advisory council decided no further action by the Advisory Council was necessary

AGENCY REVIEW:

Building Division – A building permit is needed to change the use of the existing structure. Site plan and building plans need to be prepared by a California Registered Architect or Engineer. Need to address all building code, energy, and accessibility issues. Also need bathroom facilities.

Public Works – Recommends conditions. Possible sight distance problems of driveway approach. CalTrans encroachment permit required.

OCSD – Will serve letter attached. Fire plan exception

LEGAL LOT STATUS:

The lots were legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Martha Neder and reviewed by Kami Griffin

FINDINGS - EXHIBIT A
Conditional Use Permit DRC2005-00168

Conditional Use Permit

- A. The proposed project is not consistent with the San Luis Obispo County General Plan because:
1. The project is not consistent with the purpose and character statements in Framework for Planning, because the project:
 - a. does not involve the placement of buildings to enhance pedestrian use
 - b. does not serve to provide a centralized locations for stores, offices, and service establishments offering commodities and services scaled to meet neighborhood and community general shopping needs; and
 - c. disrupts the development of an area for a concentration of business and public facilities to encourage pedestrian circulation by locating a used car lot between a restaurant and medical service office.
 2. The project is not consistent with the Oceano Specific Plan because it does not provide the placement of buildings on the front property line with lighting that compliments the overall site and building design and creates a sense of welcoming for the pedestrian. The design of landscapes are not of professional quality and a major component of any parking area as no landscaping is proposed on the interior of the site. Expansive paved areas are not avoided in favor of smaller multiple lots separated landscaping and buildings. Chain link fencing is proposed to remain and screening between the use and a residential area is not solid masonry.
- B. The proposed project or use will be inconsistent with the character of the immediate neighborhood and contrary to its orderly development because the subject property is located within the Commercial Retail land use category, between areas within the Residential Multi-family and Commercial Service land use categories. The commercial retail/central business district area provides a buffer area between the commercial service uses, predominantly automotive services, and residential multi-family development. Allowing a used car dealership similar to ones across the street in the Commercial Service land use category effectively removes the buffer area and extends commercial service land uses so that they are between and adjacent to retail and residential uses.

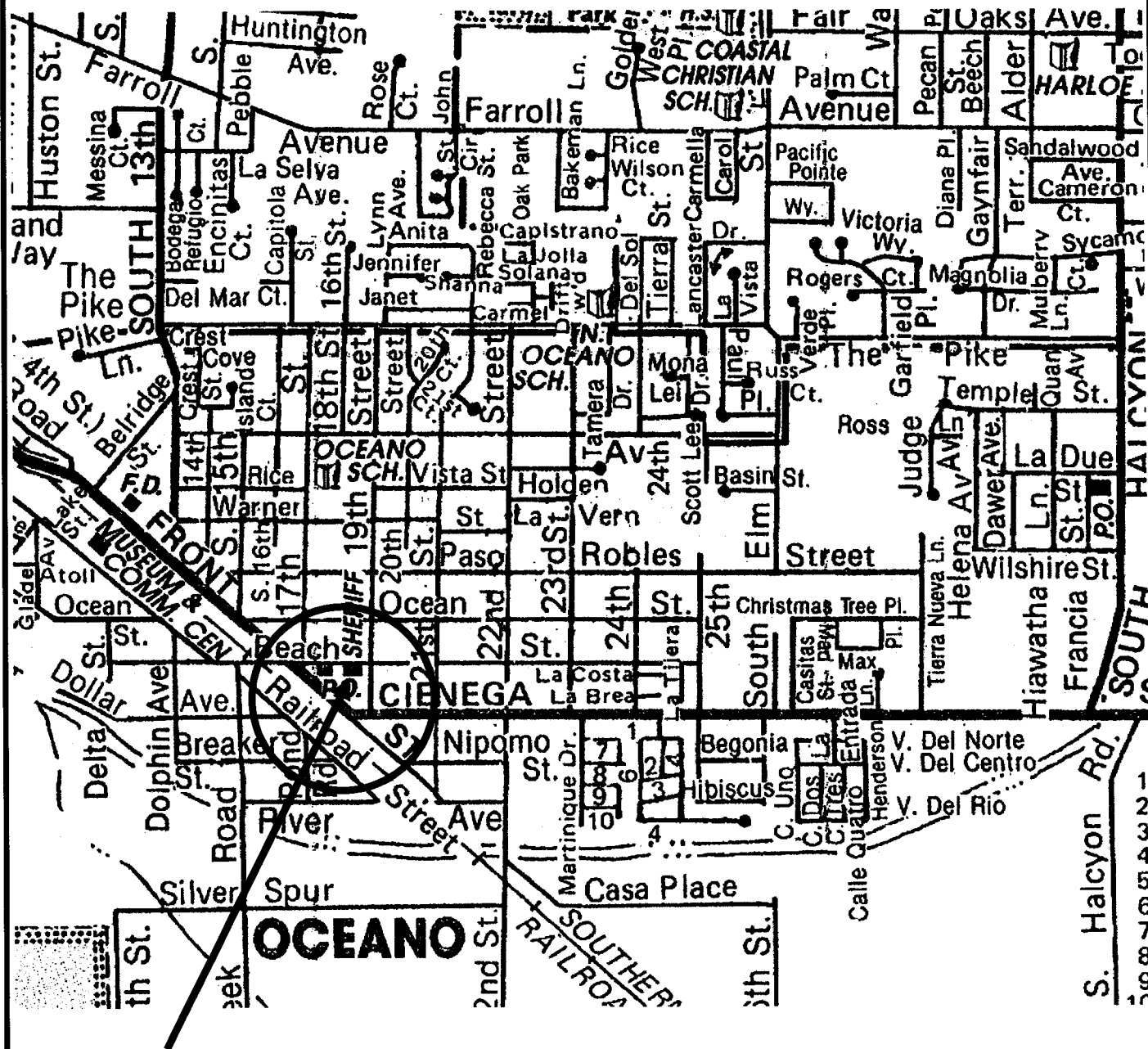
Use Standard Modification

- C. There are no conditions of the site and/or vicinity which make the standard which requires vehicle dealerships within central business districts to have all vehicles for sale stored, displayed, and serviced entirely within a building unnecessary or ineffective because the site is located between a restaurant and medical office and adjacent to multi-family residences. Locating all vehicles for sale stored, displayed and serviced entirely within a building is necessary to prevent incompatibilities with the adjacent uses and to create an area which encourages pedestrian activity consistent with the Oceano Specific Plan and the purpose and character statements of central business districts in the Framework for Planning of the Land Use Element.
- D. The project, including the proposed modifications to the standards of Chapter 22.30 will not satisfy all mandatory findings required for Conditional Use Permit approval as described above.

2-6

Environmental Determination

- E. That this project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.



SITE

PROJECT

Conditional Use Permit
Bookout DRC2005-00168



EXHIBIT

Vicinity

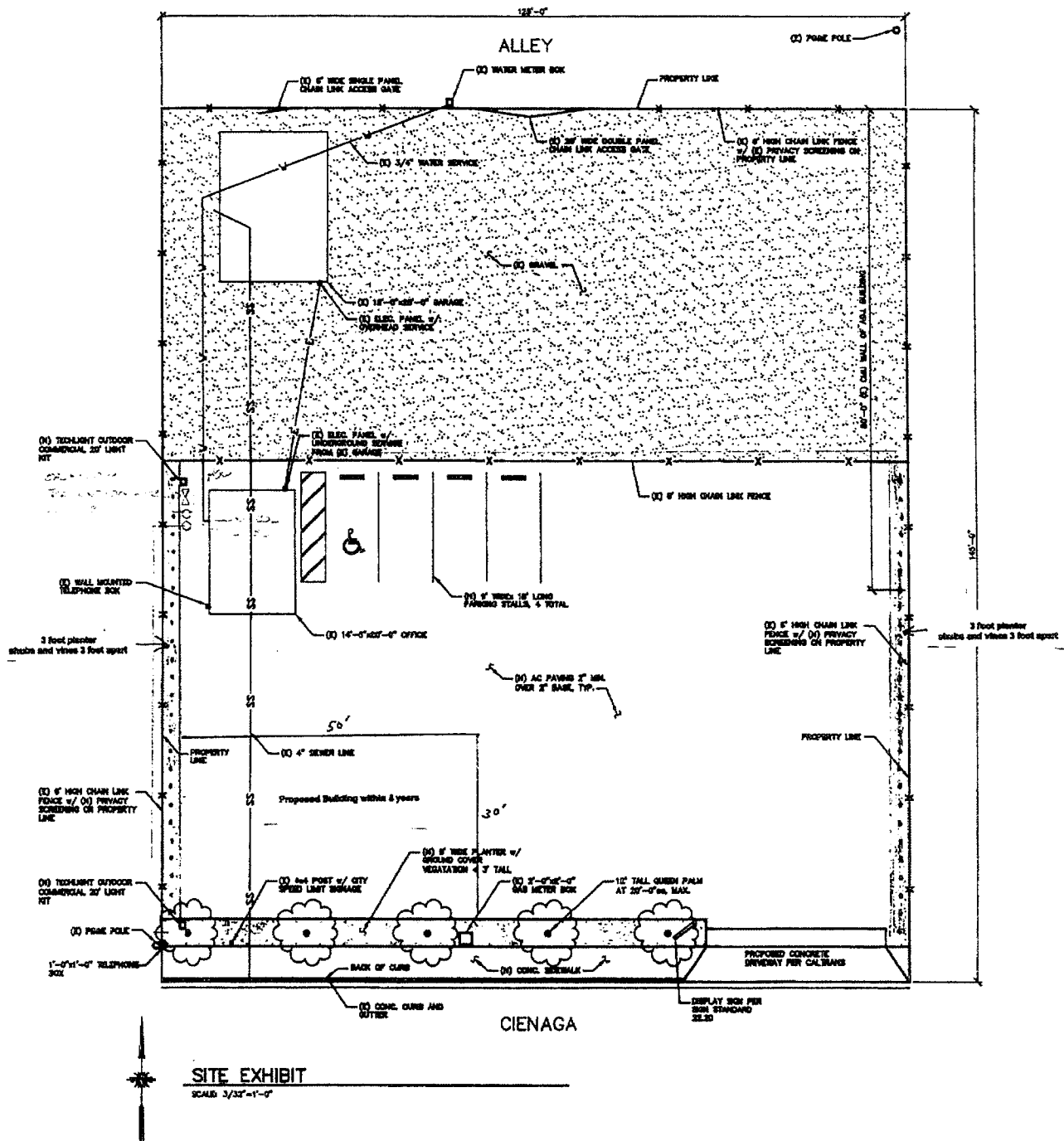


PROJECT

Conditional Use Permit
Bookout DRC2005-00168



Land Use Category

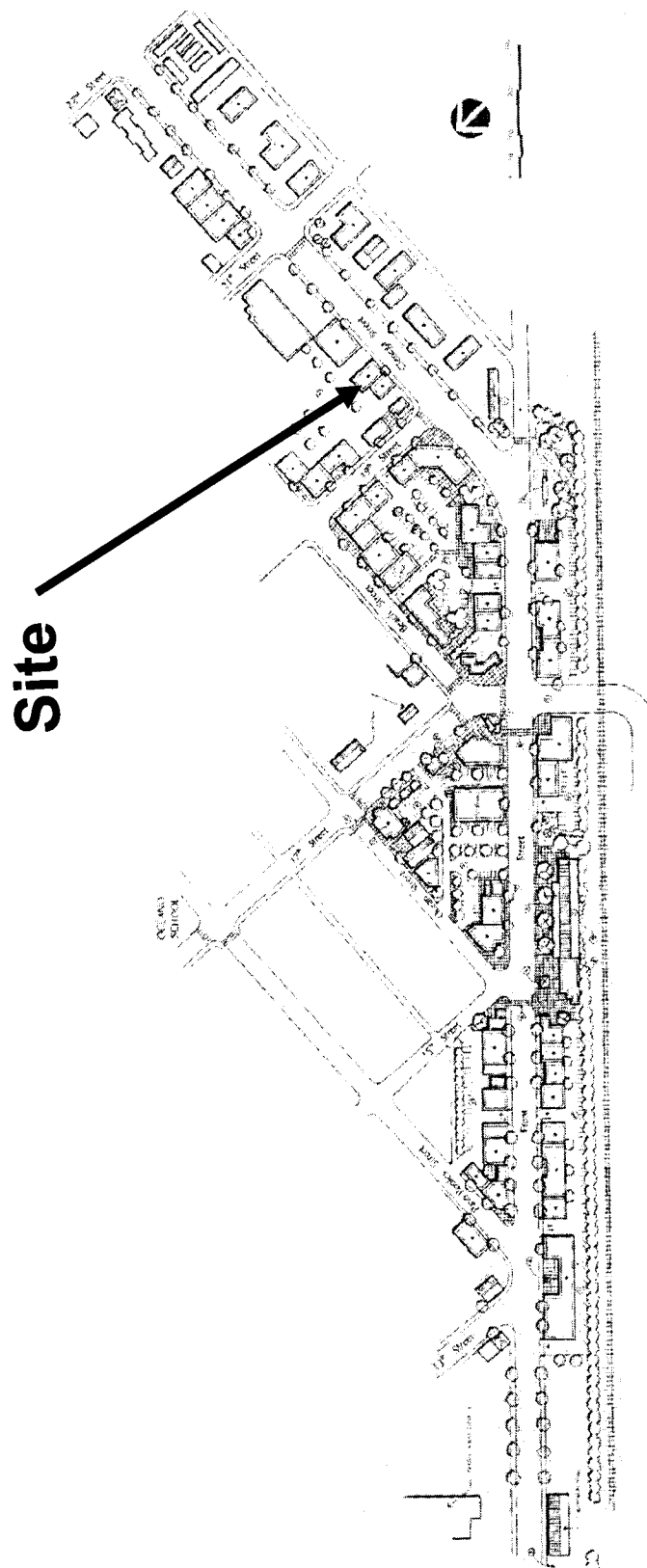


PROJECT

Conditional Use Permit
Bookout DRC2005-00168

**EXHIBIT**

Site Plan



Site

PROJECT

Conditional Use Permit
Bookout DRC2005-00168

**EXHIBIT**

Exhibit D: Downtown Conceptual Plan



2-11

10

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDINGVICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 3-3-06TO: Building DivisionFROM: ☒ - South County Team ☐ - North County Team ☐ - Coastal Team

PROJECT DESCRIPTION: File Number: DR-2005-0168 Applicant: Bookout
CLP -> Waive use standards for used car sales
lot off Cienega St. in Oceano. APN: 062-114-016 & 007.
17,500 sq. ft.
Return this letter with your comments attached no later than: 3-18-06

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☐ YES (Please go on to PART II.)
☐ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
☐ NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Site plan & Building plans need to be prepared
by a California Registered Architect or Engineer.
Need to address all Building Code / energy & accessibility
issues also need Bathroom facilities - see Stephen Hinds.

Date 3/14/06.Name d. m. m. m.Phone 781-5709

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: <http://www.sloplanning.org>

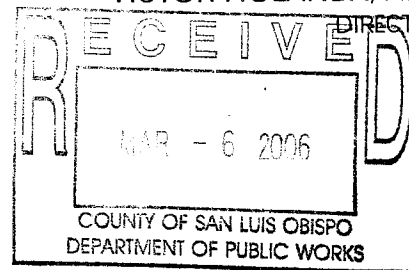
for existing structures
- use change -

2-12

Martha Neder 10

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 3-3-06

From PW
To _____

FROM: ☒ - South County Team☐ - North County Team☐ - Coastal Team

PROJECT DESCRIPTION: File Number: DR 2005-0168 Applicant: Bookout
CUP → Waive use standards for used car sales
lot off Cienega St. in Oceano. APN: 062-114-016 & 007.
17,500 sq. ft.
 Return this letter with your comments attached no later than: 3-18-06

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

☒ YES
☐ NO

(Please go on to PART II.)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ YES

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

☐ NO

(Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Conditions attached. Street trees? Possible sight distance
problems of driveway approach. Caltrans Encroachment
Permit required.

Date 3-9-6

Lin Romlinson 5271
 Name Phone

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EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: http://www.sloplanning.org

EXHIBIT BCONDITIONS OF APPROVAL FOR CUP DRC2005-00168 by Bookout / _____Access and Improvements

- Roads and/or streets to be constructed to the following standards:
 - a. HWY 1 Cienega constructed to a A-2 (Urban) section.

Improvement Plans

- Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
- The applicant shall enter into an agreement with the county for the cost of checking the map, tile improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
- The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

Drainage

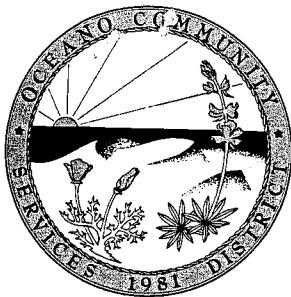
- Submit complete drainage calculations to the Department of Public Works for review and approval.
- If calculations so indicate drainage must be ***retained/detained*** in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards.
- The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program.

Landscape Plans

- ***If a drainage basin*** is required, then submit detailed landscaping plans in compliance with Chapter 22.16/Section 23.04.180 et seq. to the Department of Planning and Building for review and approval prior to filing of the final parcel or tract map. Said plans to include location, species, size, and method of maintenance

of all proposed plant materials. All proposed plant materials shall be of a drought tolerant variety and be sized to provide a mature appearance within three years of installation. Plan to include:

- a. Drainage basin fencing. (**ONLY USE IF THE DRAINAGE BASIN HAS A DEPTH OF 2 FEET OR GREATER AS MEASURED FROM THE TOP OF THE RIM TO THE LOWEST PORTION OF THE BASIN**)
- b. Drainage basin perimeter landscape screening. (**ONLY USE FOR FENCED BASINS**)
- c. Landscaping for erosion control.



2-15
Case # DRG 0005-00168

SLO COUNTY
PLANNING/BUILDING
DEPT.
Oceano Community Services District

1655 Front Street, P.O. Box 599, Oceano, CA 92026
2006 MAR -6 AM 11:09 (805) 481-6730

FAX (805) 481-6836

March 1, 2006

Mr. William Freeman
1638 Leah Way
Paso Robles, California 93446

**SUBJECT: APN 062-114-016 & 007; OCSD PROJECT #6366;
OWNER/PROJECT: FREEMAN/ USED CAR LOT**

Dear Mr. Freeman:

Oceano Community Services District will serve the used car lot proposed for APN 062-114-016 & 007; subject to the following conditions:

1. Obtain valid OCSD and SSLOCSD permits. There are no fees due.
2. Show onsite water and sewer services and cleanouts on plot plan.
3. Offsite improvements for water, sewer, street lighting, and/or fire protection may be required and will be determined when engineered plans are submitted for District review.
4. A fire safety plan exception of content letter has been issued.
5. If any of the District facilities are required to be moved, raised, or in any way altered or changed because of required conditions of the District or any other agency having jurisdiction over the proposed development, the owner, developer, contractor, or agent responsible shall bring such facilities up to a minimum District standard of design and access.
6. If District facilities (such as water and/or sewer lines) extend into or across the subject property, you will be required to prepare and submit appropriate easement documents and/or encroachment permits for acceptance by the District's Board of Directors and recording with the County Clerk-Recorder.

Curbs, gutters and sidewalks will be required pursuant to County Ordinance 22.05.106 at owner's expense. This letter will expire March 1, 2007 and is nontransferable. The District reserves the right to review service at the time permits are issued. If you have any questions, please contact the office at (805) 481-6730.

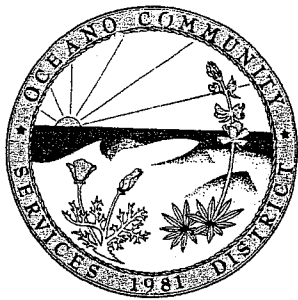
Yours truly,

OCEANO COMMUNITY SERVICES DISTRICT

Francis M. Cooney, General Manager

FMC/PTD/jc

Attachment



2-16
Case # DP 05-00168

Oceano Community Services District

1655 Front Street, P.O. Box 599, Oceano, CA 93475

(805) 481-6730

FAX (805) 481-6836

March 1, 2006

San Luis Obispo County
Planning & Building Department
Rm 317, County Government Center
San Luis Obispo, CA 93408

Attention: Sue Kowal

SUBJECT: FIRE SAFETY PLAN APN 062-114-016 & 007; OCSD PROJECT #6366
NAME/PROJECT: FREEMAN/USED CAR LOT

Dear Ms. Kowal:

After reviewing information concerning the above building permit application, OCSD has determined that this project falls under the EXCEPTION OF CONTENT REQUIREMENT (Section 22.05.082, a (3)). As a result, the District will not require the builder to submit a fire safety plan.

If you have any questions, or require further information, please feel free to call.

Yours truly,

OCEANO COMMUNITY SERVICES DISTRICT

Philip T. Davis

Philip T. Davis, Utility Operations Supervisor
For Francis M. Cooney, General Manager

FMC/PTD/jc

2-17

Case # DRC 2005-00168

SLO CNTY
PLANNING/BUILDING
DEPT

2006 MAR - 10 11:09

Oceano Advisory Council

P.O. Box 517 Oceano, CA 93475-0517 oceanoadvisory@sbcglobal.net

*Supervisor Katcho Achadjian
1055 Monterey, Rm. D430
San Luis Obispo, CA 93408*

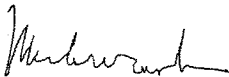
Re: Bill Freeman/ Used Car lot

March 2, 2006

Dear Katcho,

It has been the consensus of the Council to support Mr. Freeman's project to construct a used car dealership at 1921 and 1941 Cienaga, Oceano. Based on Mr. Freeman's projections of a fully paved (asphalt) lot, it is also required that a new building(s) be erected or the existing building be completely remodeled to include new exterior siding or stucco, exterior doors and new roof. In addition, an approved drainage plan with curbs, gutters and sidewalks will be required.

Sincerely,



Mark Wampler, Chairman

